

Appl. No. **10 511 394**
Amdt. dated September 15, 2006
Reply to Office action mailed March 15, 2006

REMARKS/ARGUMENTS

Claim 9 has been amended to specify that the styrenic resin is produced from styrenic monomers. Claim 26-28 are directed to styrenic resins consisting of styrenic monomeric units and polystyrene as a specific embodiment. Support for the amendments and claims is in paragraphs [0020] to [0023] of the published application.

Claim 9 has also been amended to exclude inorganic phosphorous flame retardants such as red phosphorous of the references by amending the claim so that the phosphorous-containing flame retardant consists of an aromatic phosphoric acid ester compound. Support for the amendment is in paragraph [0043] of the published application. No new matter has been added.

Status of the Claims

Claims 9, 11-23, and 26-29 are pending and under consideration. Claims 10, 24, and 25 have been canceled and claims 26-29 are added by this Amendment.

Statement of the Rejections

Claims 9 - 13, 15, 16, and 18 - 23 stand rejected under 35 U.S.C. §102(b) as anticipated by Jang et al. or Hong et al. Jang et al. discloses compositions containing a styrene resin (which must contain an acrylonitrile comonomer), PPE, and a compatibilizer which is a styrene-containing copolymer with acrylonitrile or a styrene graft copolymer which also contains acrylonitrile. Hong et al. disclose compositions containing a rubber modified styrene-containing resin (which is prepared with styrene-containing and acrylonitrile monomers), PPE, and a styrene-containing copolymer resin having acrylonitrile comonomer. The Examiner has taken the position that Applicants' claims are anticipated by the references.

Claims 9 - 13, 15, 16, and 18 - 23 stand rejected under 35 U.S.C. §102(b) as anticipated by Ohzeki "with Imashi et al. . . . and Kishimoto Sangyo . . . used as evidence". The Examiner has taken the position that the compositions of Applicants' claims are disclosed in the reference.

Claims 9 - 23 stand rejected under 35 U.S.C. §103(a) as unpatentable over Ohzeki in view of Tremontozzi "with Imashi et al. . . . and Kishimoto Sangyo . . . used as evidence". The Examiner has taken the position that it would have been obvious to one skilled in the art to substitute methacrylonitrile for acrylonitrile in Ohzeki in view of the teaching of Tremontozzi.

Applicants' Traversal

Applicants traverse the rejections and respectfully request reconsideration in view of the following discussion.

Jang et al. and Hong et al. are commonly owned with the present application. The priority Korean applications of Jang et al. and Hong et al. were published more than one year prior to the filing date of the priority Korean application of the above application.

Neither Jang et al. nor Hong et al. anticipate the claims since both references disclose the use of copolymers of a styrene-containing monomer and acrylonitrile monomer used as copolymers or as graft copolymers with rubber. The references do not disclose the use of styrene resins without acrylonitrile comonomer. The claims in the present application have been amended to limit the styrenic resin to those styrenic resins which contain only styrenic monomeric units. Both Jang et al. and Hong et al. require a nitrile comonomer in the styrene-containing resins.

Applicants submit that there is nothing in the references which would motivate one skilled in the art to use styrenic resins which do not contain nitrile monomers. Therefore, Applicants' claims are not obvious over either Jang et al. or Hong et al.

Ohzeki requires red phosphorous in an amount from 1 to 4 parts by weight (col. 9, lines 57-58). The examples therein show that the use of 0.8 parts of red phosphorous results in poor flame retardance in the compositions of Ohzeki (col. 30, lines 64-67). Applicants' claims exclude inorganic phosphorous flame retardants such as red phosphorous of the references since the phosphorous-containing flame retardant consists of an aromatic phosphoric acid ester compound.

Applicants submit that one skilled in the art would not exclude red phosphorous from the compositions of Ohzeki since the reference teaches and exemplifies inferior results when an

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amount less than 1 part by weight is used thus teaching away from Applicants' claimed compositions.

Applicants submit that a review of the prior art of record as a whole shows that the claims in the present application meet the requirements for patentability. It is respectfully requested that the Examiner reconsider his rejections of the claims and allow claims 9, 11 to 23, and 26 to 29.

Respectfully submitted,

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